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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/764,470

**Applicant(s)**

SUGIMOTO ET AL.

**Examiner**

Jacob C. Coppola

**Art Unit**

4143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 July 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-14 is/are rejected.  
7) ☒ Claim(s) 5 and 12 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 14 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### Status of Claims

1. This action is in reply to the application filed on 1/27/2004.
2. Claim 1-14 are currently pending and have been examined.

### Claim Objections

3. Claims 5 and 12 are objected to because of the following informalities: *contributor* should read "distributor". Appropriate correction is required.

### Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 12 recites the limitation "the read content identifier" in lines 9 and 12. There is insufficient antecedent basis for this limitation in the claim.

### Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures

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may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

7. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Yamada et al. (U.S. 6,141,483 A).

**As per Claim 1**

Yamada et al., as shown, discloses the following limitations:

- *a judging unit operable to judge whether a disc region code ("medium region code") assigned to an optical disc matches an apparatus region code assigned to the playback apparatus (see at least column 3, lines 57-61);*
- *a reading unit operable to read a content identifier of a content recorded on the optical disc ("recorded data is read from the recording medium by an optical pickup"), (see at least column 10, lines 16-17); and*
- *a playback unit operable to, (i) when the judging unit judges in the affirmative, play back the content, and (ii) when the judging unit judges in the negative, not play back the content except when an exceptional playback is authorized (see at least column 3, lines 40-65),*
- *wherein the exceptional playback is authorized when a combination of the content identifier read by the reading unit ("content of first data recorded on the first recording unit") and the apparatus region code ("content of second data recorded on the second recording unit") satisfies a predetermined condition defined by a right owner of the content ("the control unit changes, on the basis of the third data, a control condition for controlling data transfer in accordance with the comparison result between the first and second data"), (see at least column 4, lines 31-46).*

**As per Claim 2**

Yamada et al. discloses the limitations of claim 1, as described above.

Yamada et al., as shown, further discloses the limitations:

- *further comprising a transmitting unit operable to transmit an authorization request to a server apparatus, the authorization request indicating the combination of the content identifier ("requested data contents") and the apparatus region code ("region code designating the place where the PC is installed"), wherein when the predetermined condition is satisfied, the server apparatus transmits an authorization response in reply to the authorization request ("when region codes coincide with each other, the control unit 93 confirms the IP address of the PC or EWS 95 on the client side contained in the packet of a communication protocol upon reception of a data supply request. After determining the authenticity of the region code, the control unit 93 permits data transfer"), and when the predetermined condition is not satisfied, the server apparatus transmits a non-authorization response (see at least column 22, lines 37-56 and FIG. 26 with associated text).*

**As per Claim 3**

Yamada et al. discloses the limitations of claim 2, as described above.

Yamada et al., as shown, further discloses the limitations:

- *Wherein the server apparatus has a playback authorization list that includes combinations of a content identifier and a region code, the combinations each indicating that a content identified with the content identifier is allowed to be played back in a region identified with the region code in the combination, and the predetermined condition is satisfied when the playback authorization list includes the transmitted combination of the content identifier and the apparatus region code (see at least column 22, lines 37-56 and FIG. 26 with associated text).*

**As per Claim 4**

Yamada et al. discloses the limitations of claim 2, as described above.

Yamada et al., as shown, further discloses the limitations:

- *Wherein the server apparatus has a plurality of pieces of date/time information ("copyright use valid time data") each indicating, in correspondence with combinations of a content identifier and a region code, a release date/time of a content identified with the content identifier for a region identified with the region code, the authorization request transmitted from the transmitting unit to the server apparatus includes a combination of (i) a current time in a region to which the playback apparatus belongs, (ii) the content identifier of the content to be played back, and (iii) the apparatus region code, and the predetermined condition is satisfied when the current time included in the authorization request is past the release date/time indicated in such a piece of date/time information that has a same combination of the content identifier and the region code as included in the authorization request (see at least column 20, lines 63-67 and column 21, lines 1-22)*

**As per Claim 5**

Yamada et al. discloses the limitations of claim 2, as described above.

Yamada et al., as shown, further discloses the limitations:

- *Wherein the server apparatus has a plurality of pieces of distributor information each indicating, in correspondence with combinations of a content identifier and a region code, a contributor for a region identified with the region code, the authorization request transmitted from the transmitting unit to the server apparatus includes a combination of (i) the content identifier of the content to be played back, (ii) the apparatus region code, and (iii) the disc region code, and the predetermined condition is satisfied when a distributor indicated in a first piece of distributor information matches a distributor indicated in a second piece of*

*distribution information, the first piece of distributor information having a same combination of the content identifier and the apparatus region code as included in the authorization request, and the second piece of distributor information having a same combination of the content identifier and the disc region code as included in the authorization request (see at least column 16, lines 14-67 and column 17, lines 1-34).*

**As per Claim 8**

Yamada et al. discloses the limitations of claim 1, as described above.

Yamada et al., as shown, further discloses the limitations:

- *wherein the playback apparatus has a playback authorization list that includes combinations of a content identifier ("requested data contents") and a region code, the combinations each indicating that a content identified with the content identifier is allowed to be played back in a region identified with the region code in the combination, and the predetermined condition is satisfied when the playback authorization list includes a combination of the content identifier of the content recorded on the optical disc and the apparatus region code (see at least column 22, lines 37-56 and FIG. 26 with associated text).*

**As per Claim 12**

Yamada et al. discloses the limitations of claim 1, as described above.

Yamada et al., as shown, further discloses the limitations:

- *wherein the playback apparatus has a playback authorization list that includes a plurality of pieces of distributor information ("public and secret keys used in communication") each indicating, in correspondence with combinations of a content identifier ("region code of the recording medium") and a region code, a contributor for a region identified with the region code, and the predetermined condition is satisfied when a distributor indicated in such a piece of distributor*

*information that includes the combination of the read content identifier and the apparatus region code matches a distributor indicated in such a piece of distributor information that includes a combination of the read content identifier and the disc region code (see at least column 16, lines 14-67 and column 17, lines 1-34).*

#### **Claim Rejections - 35 USC § 103**

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6-7, 9-11, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al., in view of Tsuga et al. (U.S. 5,691,972 A).

#### **As per Claim 6**

Yamada et al. discloses the limitations of claim 2, as described above.

Yamada et al. further discloses:

- *wherein the authorization response is transmitted from the server apparatus ("the control unit 93 permits data transfer") and the exceptional playback is performed using the accompanying information, (see at least column 22, lines 37-56 and FIG. 26 with associated text).*

Yamada et al. does not disclose the following limitations:

- *along with accompanying information that includes (i) rating information in a country to which the playback apparatus belongs, (ii) subtitle data and audio data in a language used in the country to which the playback apparatus belongs*

Tsuga et al., as shown, discloses the following limitations:

- *along with accompanying information that includes (i) rating information in a country to which the playback apparatus belongs ("a register for storing a reproduction level of a title"), (ii) subtitle data and audio data in a language ("a register for storing a combination of the audio data and sub-picture data") used in the country to which the playback apparatus belongs ("corresponding to the country ID stored in country ID storage unit"), (see at least column 18, lines 37-67, and column 19, lines 1-6).*

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the features disclosed by Tsuga et al. into the teachings of Yamada et al. One would have been motivated to do so because there are difficulties allowing "...media (such as DVDs) which are aimed at a specific country (or region) to be used in a different country (or region)" (see at least Tsuga et al. column 2, lines 29-36). Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made.

#### **As per Claim 7**

Yamada et al. discloses the limitations of claim 2, as described above.

Yamada et al. further discloses:

- *wherein the authorization response is transmitted from the server apparatus along with restriction information ("desired data is scrambled"), (see at least column 22, lines 37-56 and FIG. 26 with associated text),*

Yamada et al. does not disclose the following limitations:

- *the content includes a digital stream recorded on the optical disc, the restriction information is one of (i) information that indicates part of the digital stream as a playback section and (ii) information that causes only part of elementary streams multiplexed onto the digital stream to be played back, and the exceptional playback is performed using the restriction information.*

Tsuga et al., as shown, discloses the following limitations:

- *the content includes a digital stream ("PGC" – see figure 6 and the definition of "VOB" disclosed in the 'BRIEF DESCRIPTION OF THE DRAWINGS') recorded on the optical disc, the restriction information is one of (i) information ("PGC attribute") that indicates part of the digital stream as a playback section and (ii) information ("PGC attribute") that causes only part of elementary streams ("VOBs") multiplexed onto the digital stream to be played back ("reproduction order of a plurality of VOBs as well as control information"), and the exceptional playback is performed using the restriction information ("selectively reproduce a PGC with an appropriate reproduction level"), (see at least column 10, lines 56-67 and column 11, lines 1-7; column 12, lines 66-67 and column 13, lines 1-23).*

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the features disclosed by Tsuga et al. into the teachings of Yamada et al. One would have been motivated to do so because "regarding movie titles, it is common for several different versions (or ratings) of a same movie to exist, such versions differing from each other in content" (see at least Tsuga column 1, lines 44-46). Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made.

#### **As per Claim 9**

Yamada et al. discloses the limitations of claim 8, as described above.

Yamada et al. does not disclose the following limitations:

- *wherein the optical disc has a plurality of contents recorded thereon, and the content identifiers included in the playback authorization list are content identifiers of part of the plurality of contents.*

Tsuga et al., as shown, discloses the following limitations:

- *wherein the optical disc has a plurality of contents recorded thereon, and the content identifiers included in the playback authorization list are content identifiers of part of the plurality of contents (see Figure 5 and associated text).*

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the features disclosed by Tsuga et al. into the teachings of Yamada et al. One would have been motivated to do so because "regarding movie titles, it is common for several different versions (or ratings) of a same movie to exist, such versions differing from each other in content" (see at least Tsuga column 1, lines 44-46). Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made.

#### **As per Claim 10**

Yamada et al. discloses the limitations of claim 8, as described above.

Yamada et al. does not disclose the following limitations:

- *wherein each of the combinations in the playback authorization list has a piece of exclusion information attached thereto indicating whether an exceptional playback of a content identified with the content identifier in the combination is exclusive or non-exclusive, the exceptional playback is exclusive when an authorization for exceptional playback is provided exclusively for contents recorded on an optical disc to which the region code in the combination is assigned, and the exceptional playback is non-exclusive when an authorization*

*for exceptional playback is provided also for one or more other contents that are recorded on another optical disc to which another region code besides the region code in the combination is assigned.*

Tsuga et al., as shown, discloses the following limitations:

- *wherein each of the combinations in the playback authorization list ("parental information table") has a piece of exclusion information ("reproduction levels") attached thereto (see at least column 14, lines 61-67 and column 15, lines 32-42)*
- *indicating whether an exceptional playback of a content identified with the content identifier ("rating levels #1-#m" are sets of information related to reproduction control for each title") in the combination is exclusive or non-exclusive, (see at least column 15, lines 19-23)*
- *the exceptional playback is exclusive when an authorization for exceptional playback is provided exclusively for contents recorded on an optical disc to which the region code in the combination is assigned, and the exceptional playback is non-exclusive when an authorization for exceptional playback is provided also for one or more other contents that are recorded on another optical disc to which another region code besides the region code in the combination is assigned (see at least column 14, lines 60-67 and column 15, lines 1-64; Figures 11, 12A, 12B and associated text)*

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the features of the authorization list on the disc disclosed by Tsuga et al. into the authorization process disclosed by Yamada et al. One would have been motivated to do so because "the differences between the versions on a disc are based on a rating system in accordance with the self-regulation of the film industry in a given country, which differs from country to country" (see at least Tsuga et

al. column 2, lines 33-36). Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made.

**As per Claim 11**

Yamada et al. discloses the limitations of claim 1, as described above.

Yamada et al. does not disclose the following limitations:

- *wherein the playback apparatus has a playback authorization list that includes a plurality of pieces of date/time information each indicating (i) a content identifier of a content, (ii) a region code that identifies a region in which the content is sold, and (iii) a release date/time of the content in the identified region, and the predetermined condition is satisfied when a current time is past the release date/time indicated in such a piece of date/time information that includes the combination of the read content identifier and the apparatus region code.*

Tsuga et al., as shown, discloses the following limitations:

- *wherein the playback apparatus has a playback authorization list that includes a plurality of pieces of date/time information each indicating (i) a content identifier of a content ("rating level"), (ii) a region code that identifies a region in which the content is sold ("country ID"), and (iii) a release date/time of the content in the identified region ("validation date and invalidation date"), and the predetermined condition is satisfied when a current time is past the release date/time indicated in such a piece of date/time information that includes the combination of the read content identifier and the apparatus region code (see at least column 14, lines 60-67 and column 15, lines 1-64; Figures 11, 12A, 12B and associated text).*

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the features of the disc disclosed by Tsuga et al. into the system of Yamada et al. One would have been motivated to do so because "the differences between the versions on a disc are based on a rating system in

accordance with the self-regulation of the film industry in a given country, which differs from country to country" (see at least Tsuga et al. column 2, lines 33-36). Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made.

**As per Claim 13**

Yamada et al. discloses the limitations of claim 1, as described above.

Yamada et al. does not disclose the following limitations:

- *wherein an exception schedule flag is recorded on the optical disc, the playback apparatus performs the exceptional playback when the exception schedule flag indicates that the optical disc is allowed to be played back, and the playback apparatus does not perform the exceptional playback when the exception schedule flag indicates that the optical disc is prohibited from being played*

Tsuga et al., as shown, discloses the following limitations:

- *wherein an exception schedule flag ("parental information table") is recorded on the optical disc, the playback apparatus performs the exceptional playback when the exception schedule flag indicates that the optical disc is allowed to be played back, and the playback apparatus does not perform the exceptional playback when the exception schedule flag indicates that the optical disc is prohibited from being played back (see at least column 14, lines 60-67 and column 15, lines 1-64; Figures 11, 12A, 12B and associated text).*

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the features of the disc disclosed by Tsuga et al. into the system of Yamada et al. One would have been motivated to do so because "regarding movie titles, it is common for several different versions (or ratings) of a same movie to exist, such versions differing from each other in content" (see at least Tsuga column 1, lines 44-46) and by prohibiting the playback of undesirable versions one would

be ensuring that only authorized persons at an authorized time and place may view and/or play the selected data. Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made.

**As per Claim 14**

Yamada et al., as shown discloses the following limitations:

- *a receiving unit operable to receive an authorization request transmitted from a playback apparatus, a transmitting unit operable to, when the combination exists in the playback authorization management table, transmit an authorization response to the playback apparatus (see at least Figures 18 and 26 with associated text).*

Yamada et al. does not disclose:

- *a storing unit storing therein a playback authorization management table that includes combinations of a content identifier and a region code, the combinations each indicating that a content identified with the content identifier is allowed to be played back in a region identified with the region code in the combination*
- *a judging unit operable to obtain, out of the authorization request, a region code of a region to which the playback apparatus belongs and a content identifier of a content that is requested to be played back and judge whether the obtained combination of the content identifier and the region code exists in the playback authorization management table; and (see column 20, lines 39-67)*

Tsuga et al., as shown, discloses the following limitations:

- *a storing unit storing therein a playback authorization management table that includes combinations of a content identifier and a region code, the combinations each indicating that a content identified with the content identifier is allowed to be played back in a region identified with the region code in the combination (see Figure 11 and associated text)*

- *a judging unit operable to obtain, out of the authorization request, a region code of a region to which the playback apparatus belongs and a content identifier of a content that is requested to be played back and judge whether the obtained combination of the content identifier and the region code exists in the playback authorization management table; and (see column 20, lines 39-67)*

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the features of the disc disclosed by Tsuga et al. into the system of Yamada et al. One would have been motivated to do so because it is well known in the art that there are difficulties allowing "...media (such as DVDs) which are aimed at a specific country (or region) to be used in a different country (or region)." (see at least Tsuga et al. column 1, lines 29-36). Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made.

**Conclusion**

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Jacob C. Coppola** whose telephone number is **571.270.3922**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **JAMES A. REAGAN** can be reached at **571.272.6710**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

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Jacob C. Coppola

Patent Examiner

Art Unit 4143

November 7, 2007

/Jacob C Coppola/

/James A. Reagan/Supervisory Patent Examiner, Art Unit 3621